

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

JUL 16 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Development of Nationwide Broadband Data to)
Evaluate Reasonable and Timely Deployment of)
Advanced Services to All Americans,)
Improvement of Wireless Broadband)
Subscribership Data, and Development of Data on)
Interconnected Voice over Internet Protocol)
(VoIP) Subscribership)

WC Docket No. 07-38

QWEST'S REPLY COMMENTS ON THE NOTICE OF PROPOSED RULEMAKING

Qwest Corporation and Qwest Communications Corporation (also jointly referred to as "Qwest"), submit these reply comments in response to the Federal Communications Commission's ("Commission") *Notice of Proposed Rulemaking* ("NPRM").¹ Qwest Corporation and Qwest Communications Corporation provide broadband services to consumers and to business customers. In addition, Qwest Communications Corporation provides interconnected Voice over Internet Protocol ("VoIP") services. Qwest agrees with those commenters that argued that the Commission should not institute new reporting requirements.² Instead, Qwest believes that the Commission should enhance its understanding of those areas that do not have broadband available. The Commission should rely upon existing government and private data sources for its broadband information, rather than duplicating information currently collected by

¹ *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Notice of Proposed Rulemaking, FCC 07-17, 22 FCC Rcd 7760, rel. Apr. 16, 2007.

² See, e.g., generally, AT&T Inc. ("AT&T") Comments; The United States Telecom Association Comments at 14-15; CTIA – The Wireless Association Comments at 2, 9; Verizon and Verizon Wireless ("Verizon") Comments at 3, 6.

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others. The Commission can then use the information to encourage broadband deployment in un-served areas.

Qwest opposes the Commission's proposal to expand data collection via Form 477 to include additional items such as pricing information, Zip codes and associated subscriber counts, or demographic data regarding subscribers. First, Qwest agrees with Verizon and other commenters that the Commission should not require pricing information from Form 477 filers.³ Especially with the freedom granted in the September 2005 *Broadband Order*,⁴ one provider can offer many price plans. The price paid can vary depending on a number of factors, including the other services purchased by the subscriber, promotions, and term commitments. Commercial entities such as Current Analysis, Telogical Systems and Broadband Reports already collect price information. The Commission need not duplicate the work performed by these commercial entities.

Second, Qwest opposes expanding data collection to require number of subscribers per geographic area, such as nine-digit Zip codes. This information is highly confidential, and could be used by a competitor to disadvantage the data provider. Accordingly, data providers would seek to limit the Commission's use and dissemination of the information, potentially reducing its usefulness. Further collection of information by nine-digit Zip code may be too granular to be useful. Nine-digit Zip codes can designate just one customer, one P.O. Box, one building, one floor in a building or one side of a street. Moreover, nine-digit Zip codes are not permanent

³ See, e.g., Verizon Comments 25-26; AT&T Comments at 27-28; Time Warner Cable Inc. Comments at 9.

⁴ See *In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005) (*Wireline Broadband Internet Access Services Order*) ("2005 Broadband Order"), *pets. for review pending sub nom. Time Warner Telecom v. FCC*, No. 05-4769 (and consolidated cases) (Third Cir. filed Oct. 26, 2005, oral argument held Mar. 16, 2007).

geographic identifiers, as these Zip codes can be modified as mail volumes and patterns change.⁵

If reporting is done by Zip code, the five-digit Zip code is preferable because it would likely provide a more stable indicator of broadband distribution. Coordination with the Census Bureau may be useful.

Finally, Qwest opposes a requirement that broadband providers collect and report income, education, and other demographic information such as disability status or race about households located in the parts of representative areas where broadband infrastructures have or have not been deployed.⁶ Qwest believes that it would not be appropriate for Qwest to collect such information about its customers, even if it were for such a benign purpose as helping the Commission better understand the characteristics of areas where broadband infrastructure has been deployed and is in use. The Census Bureau gathers information about computer usage and Internet access by households, and by selected demographic characteristics.⁷ The Commission should use this information, and perhaps coordinate with the Census Bureau if the Commission desires collecting slightly different data.

Qwest does not believe that the Commission should require VoIP providers to report information. If the Commission nonetheless decides to implement a VoIP reporting requirement, it should be attuned to not adding undue burden on VoIP providers. Should the Commission seek geographic information, the most readily available information is billing address. As the Commission understands, VoIP is often a nomadic service. Therefore, the subscriber may not use the service in the same area represented by the billing address or Zip code, which is generally

⁵ See Verizon Comments at 15-18.

⁶ *NPRM* ¶ 40.

⁷ See, e.g., <http://www.census.gov/population/www/socdemo/computer/2003.html> (visited July 12, 2007).

the only geographic information available to the provider.⁸ The Commission has asked whether providers could disclose the number of VoIP subscribers that also subscribe to broadband. Qwest does not have a straightforward or reliable way to map the VoIP subscribers to the broadband subscribers. Requiring Qwest to do so would be unduly burdensome, especially since the fact that a number of consumers purchase both nomadic VoIP and broadband from Qwest would not mean that all of the subscribers actually utilize their Qwest broadband connections for VoIP.

In sum, the Commission should not expand Form 477 reporting requirements. If it does expand the reporting requirements, it should do so in the least burdensome manner possible.

Respectfully submitted,

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⁸ See *In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004), *aff'd sub nom. Minnesota Pub. Util. Commission v. FCC*, 483 F.3d 570 (Eighth Circuit 2007).

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **QWEST'S**
REPLY COMMENTS ON THE NOTICE OF PROPOSED RULEMAKING to be 1) filed
with the Secretary of the FCC (original and four copies plus one for stamp and return), 2) served
via email on the FCC's duplicating contractor Best Copy and Printing, Inc. (at
fcc@bcpiweb.com), and 3) served via First Class United States mail, postage prepaid, on the
parties listed on the attached service list.

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